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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,713	03/06/2001	Philip M. Abram	50N3704.01	4047

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Intellectual Property Department  
Sony Electronics Inc.  
123 Tice Boulevard - MD T1-1  
Woodcliff Lake, NJ 07677-8402

EXAMINER
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WILLIAMS, KIMBERLY A

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/14/2002

41

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/800,713

**Applicant(s)**

ABRAM ET AL.

**Examiner**

Kimberly A Williams

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claim 42 is objected to under 37 CFR 1.75(d) because of the following informalities: the “public kiosk” lacks antecedent basis. Therefore, on line 1, “38” should be –41--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claim 17, 18-20, 35 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Manico et al. (US 6373551).

Manico et al. teach a system for generating photographic images wherein regarding the transmitting step, digital images (from 350) are transmitted to a service provider (440), which reads on the server, so that coloring book software can be applied (460) to the image and sent to the customer's home (490), a kiosk (520) or a public library (540), which reads on the receiving step. Regarding the printing step, there is a printer (not shown; col. 5, lines 39-41) located at the service provider or at the kiosk for the client to print the images (col. 4, lines 36-41).

Regarding **Claim 19**, Manico et al. teach that the customer can order directly from any point of access (col. 4, lines 42-45; col. 5, lines 61-63).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,4-7,9,10,13,14,16,33,34,37,41-44 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al.(US 6373551)in view of. Tostevin et al.(US 6061462).

Regarding **Claims 1,4,9,33 and 47**, Manico et al. teach a system for generating photographic images wherein regarding the formatting step, digital images(from 350) are sent to a service provider(440) so that coloring book software can be applied(460) to the image and sent to the customer's home(490), a kiosk(520) or a public library(540). Regarding the printing step, there is a printer(not shown; col. 5, lines 39-41) located at the service provider or at the kiosk for the client to print the images(col. 4, lines 36-41).

Manico et al. fail to specifically disclose the rendering step.

Tostevin et al. teach a method comprising the rendering step(14). The rendered image is stored on a database(96; fig. 3) and in computer storable, modifiable format(col. 6, lines 7-11) for subsequent color processing(18; col. 8, lines 66 through col. 9, line 2).

Manico et al.'s resources(460) could be modified with the rendering step as taught by Tostevin et al. This modification would have been obvious to one of ordinary skill in the art at the time of the invention since this step is known in the art to provide smoother outlines of the digital image and Tostevin et al. teach that the rendered line art image is stored in computer storable, modifiable format.

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Regarding **Claims 5 and 7**, Manico et al. teach that the customer can order directly from any point of access(col. 4, lines 42-45; col. 5, lines 61-63).

Regarding **Claim 6**, it is well known in the art that since the method of Tostevin et al. is a computer assisted process(col. 2, lines 14-17), the CPU(530) of the kiosk(520) of Manico et al. could be used to process the digital image.

Regarding **Claims 10,13,16,34,37,41,46 and 48**, Manico et al. teach a system for generating photographic images wherein as the receiving step, a service provider(440), which reads on the server and processing unit, receives digital images so that coloring book software, which reads on the formatting step, can be applied(460) to the image and sent to the customer's home(490), a kiosk(520) or a public library(540), which reads on the transmitting step.

Regarding the printing step, there is a printer(not shown; col. 5, lines 39-41) located at the service provider or at the kiosk for the client to print the images(col. 4, lines 36-41).

Regarding **Claims 14,42 and 44**, Tostevin et al. teaches that the customer can order directly from any point of access(col. 4, lines 42-45; col. 5, lines 61-63).

Regarding **Claim 43**, it is well known in the art that since the method of Tostevin et al. is a computer assisted process(col. 2, lines 14-17), the CPU(530) of the kiosk(520) of Manico et al. could be used to process the digital image.

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5. Claims 8,15 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al.(US 6373551)in view of. Tostevin et al.(US 6061462) as applied to claims 1,10 and 37 above, and further in view of Emmerich(US 6142530).

Manico et al.(US 6373551)in view of. Tostevin et al.(US 6061462) fail to specifically disclose producing a coloring book storyboard.

Emmerich teach a Children's Book(1) Having Pictures With Integrated Photographs wherein a picture(5) of a child can be read into a computer directly from a digital camera(col. 2, lines 62-67) for processing as a coloring book image(col. 3, lines 58).

Manico et al.'s resources(460) in view of Tostevin et al.'s method could be applied to the computer as taught by Emmerich. This modification would have been obvious to one of ordinary skill in the art at the time of the invention for the purpose of creating the coloring book storyboard for printing.

6. Claims 2,3,11,12 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al.(US 6373551)in view of. Tostevin et al.(US 6061462) as applied to claims 1,10 and 37 above, and further in view of Schipper(EP 0713788).

Manico et al. in view of. Tostevin et al. fail to specifically disclose generating a color sample, assigning an image area to the sample and printing an index name and number with the sample.

Schipper teaches dividing an image, formed on an electronic camera, into contoured fields or regions. The fields or regions are given an identifier and the image is printed out, thereby enabling automatic generation of painting by numbers originals.

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Manico et al. in view of Tostevin et al. could be modified with the teachings of Shipper to print the coloring book image as a color by number image. This modification would have been obvious to one of ordinary skill in the art at the time of the invention to assist the user in coloring the image in the colors that the image was originally captured.

7. Claims 21,22,26-30,32,36 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tostevin et al.(US 6061462) in view of Manico et al.(US 6373551).

Regarding **Claims 21,32,36 and 50**, Tostevin et al. teach a method comprising directly obtaining an original image in digital format(col. 2, lines35-36), which reads on the receiving step and rendering(14) the digital image, which reads on the rendering step. The rendered image is stored on a database(96; fig. 3) and in computer storable, modifiable format(col. 6, lines 7-11) for subsequent color processing(18; col. 8, lines 66 through col. 9, line 2).

Tostevin et al. fail to specifically disclose the formatting step.

Manico et al. teach a system for generating photographic images wherein a service provider(440) receives digital images so that coloring book software(460) can be applied to the image, which reads on the formatting step.

Tostevin et al. could be modified to use Manico et al.'s resources(460) in the color processing step(18). This modification would have been obvious to one of ordinary skill in the art at the time of the invention since the rendered line art image is stored in computer storable, modifiable format.

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Regarding **Claim 22**, Manico et al. teach that the coloring book image is sent to the customer's home(490), a kiosk(520) or a public library(540), which reads on the transmitting step.

Regarding **Claims 26 and 27**, Manico et al. teach that the coloring book image is sent to the customer's home(490), a kiosk(520) or a public library(540) and there is a printer(not shown; col. 5, lines 39-41) located at the service provider or at the kiosk for the client to print the images(col. 4, lines 36-41).

Regarding **Claims 28 and 30**, Manico et al. teach that the customer can order directly from any point of access(col. 4, lines 42-45; col. 5, lines 61-63).

Regarding **Claim 29**, it is well known in the art that since the method of Tostevin et al. is a computer assisted process(col. 2, lines 14-17), the CPU(530) of the kiosk(520) of Manico et al. could be used to process the digital image.



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8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tostevin et al.(US 6061462)in view of Manico et al.(US 6373551) as applied to claim 21 above, and further in view of Emmerich(US 6142530).

Tostevin et al. in view of Manico et al. in fail to specifically disclose producing a coloring book storyboard.

Emmerich teach a Children's Book(1) Having Pictures With Integrated Photographs wherein a picture(5) of a child can be read into a computer directly from a digital camera(col. 2, lines 62-67) for processing as a coloring book image(col. 3, lines 58).

Tostevin et al.'s method in view of Manico et al.'s resources(460)could be applied to the computer as taught by Emmerich. This modification would have been obvious to one of ordinary skill in the art at the time of the invention for the purpose of creating the coloring book for printing.

9. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tostevin et al.(US 6061462)in view of Manico et al.(US 6373551) as applied to claim 21 above, and further in view of Schipper(EP 0713788).

Tostevin et al. in view of. Manico et al. fail to specifically disclose generating a color sample, assigning an image area to the sample and printing an index name and number with the sample.

Schipper teaches dividing an image, formed on an electronic camera, into contoured fields or regions. The fields or regions are given an identifier and the image is printed out, thereby enabling automatic generation of painting by numbers originals.


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Tostevin et al. in view of Manico et al. could be modified with the teachings of Shipper to print the coloring book image as a color by number image. This modification would have been obvious to one of ordinary skill in the art at the time of the invention to assist the user in coloring the image in the colors that the image was originally captured.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A Williams whose telephone number is 305-4863. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 872-9314 for regular and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4700.

  
Kimberly A Williams  
Primary Examiner  
Art Unit 2622

kaw  
August 10, 2002